(S9)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

WRIT PETITION (C) No. 2114 of 2007

PETITIONER : Udairam Kaivert, S/o Shri Darbari Lal Kaivert, aged about 65 years, Sarpanch, Gram Panchayat – Malhar, Tahsil and District – Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1. The Director, Panchayat, Chhattisgarh, Raipur (C.G.)

2. The Collector, Bilaspur (C.G.)

3. The Sub Divisional Officer, (Revenue) Bilaspur (C.G.)

4. Shri Dilip Ratre, S/o Shri Mohit Ratre, aged about 32 years, Sarpanch Gram Panchayat – Malhar, Tahsil and District – Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Present: Mr. Sanjay K. Agrawal, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the State / respondent no. 1 to 3.
Mr. Upendra Bharat, Advocate for the caveator/respondent no. 4.

ORDER

(Passed on 20th day of April, 2007)

1. Learned counsel appearing for the petitioner, being aggrieved by memo dated 14.03.2007 passed by the Director, Panchayat, issued by the Chief Executive Officer, Janpad Panchayat Masturi, District Bilaspur, has questioned the legality of the said order on the ground that the order was passed without considering application

dated 9.3.2007 (Annexure P/6) for giving an opportunity of hearing.

2. Mr. Bharat, learned counsel appearing for respondent no. 4/caveator firmly concedes that he has no objection if an opportunity of hearing is afforded to the petitioner by the Director, Panchayat.

3. In view of the categorical submission made by the contesting respondent no. 4, the memo dated 14.3.2007 is quashed and the Director, Panchayat, is directed to afford proper opportunity of hearing to the petitioner and pass appropriate orders thereafter on application dated 09.03.2007 (Annexure P/6) as well as in appeal (Annexure P/3).

4. In view of the foregoing, this petition stands disposed of with the above directions. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit